

**BEFORE THE  
STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation  
Against:

Case No. 2014-26

**FACTOR X TERMINATORS, INC.;**  
**DAVID RECINOS, PRESIDENT AND**  
**QUALIFYING MANAGER**  
145 S. Glenoaks Blvd., Suite 442  
Burbank, CA 91502

Company Registration Certificate No. PR  
5228

and

**DAVID RECINOS**  
19930 Lassen Street  
Chatsworth, CA 91311

Operator License No. OPR 10926

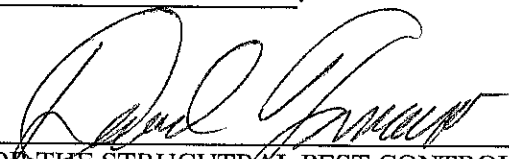
Respondents.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

The Decision shall become effective on January 4, 2015.

IT IS SO ORDERED December 5, 2014.

  
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FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 THOMAS L. RINALDI  
Deputy Attorney General  
4 State Bar No. 206911  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2541  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
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18 **19930 Lassen St.**  
**Chatsworth CA 91311**

19 **Operator License No. OPR 10926**

20 Respondents.  
21

Case No. 2014-26

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
23 entitled proceedings that the following matters are true:

24 **PARTIES**

25 1. Susan Saylor ("Complainant") is the Registrar/Executive Officer of the Structural  
26 Pest Control Board. She brought this action solely in her official capacity and is represented in  
27 this matter by Kamala D. Harris, Attorney General of the State of California, by Thomas L.  
28 Rinaldi, Deputy Attorney General.

1           2.     Respondent Factor X Terminators, Inc.; David Recinos, President and Qualifying  
2     Manager ("Respondent Factor X Terminators, Inc.") and David Recinos are representing  
3     themselves in this proceeding and have chosen not to exercise their right to be represented by  
4     counsel.

5           3.     On or about January 31, 2007, the Structural Pest Control Board issued Company  
6     Registration Certificate No. PR 5228 to Respondent Factor X Terminators, Inc..

7           4.     On or about June 22, 2004, the Board issued Operator License Number OPR 10926 in  
8     Branch 3 (termite) to David Recinos (Respondent Recinos.) On or about February 2, 2006, the  
9     Board upgraded Operator License No. OPR 10926 to include Branch 2 (general pest) to  
10    Respondent Recinos. Respondent Recino's Operator license will expire on June 30, 2015, unless  
11    renewed.

#### 12                                   JURISDICTION

13           5.     First Amended Accusation No. 2014-26 was filed before the Structural Pest Control  
14    Board (Board), Department of Consumer Affairs, and is currently pending against Respondents.  
15    The First Amended Accusation and all other statutorily required documents were properly served  
16    on Respondent on December 27, 2013. Respondents timely filed their Notice of Defense  
17    contesting the Accusation.

18           6.     A copy of First Amended Accusation No. 2014-26 is attached as exhibit A and  
19    incorporated herein by reference.

#### 20                                   ADVISEMENT AND WAIVERS

21           7.     Respondents have carefully read, and understand the charges and allegations in First  
22    Amended Accusation No. 2014-26. Respondents have also carefully read, and understand the  
23    effects of this Stipulated Settlement and Disciplinary Order.

24           8.     Respondents are fully aware of its legal rights in this matter, including the right to a  
25    hearing on the charges and allegations in the First Amended Accusation; the right to be  
26    represented by counsel at their own expense; the right to confront and cross-examine the  
27    witnesses against them; the right to present evidence and to testify on their own behalf; the right  
28    to the issuance of subpoenas to compel the attendance of witnesses and the production of

documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Respondents voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

#### CULPABILITY

10. Respondents admit the truth of each and every charge and allegation in First Amended Accusation No. 2014-26.

11. Respondents agree that their Company Registration Certificate and Operator's License are subject to discipline and they agree to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

#### CONTINGENCY

12. This stipulation shall be subject to approval by the Structural Pest Control Board. Respondents understand and agree that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondents. By signing the stipulation, Respondents understand and agree that they may not withdraw its agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

#### **DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Company Registration Certificate No. PR 5228 and Operator License No. 10926 are revoked. However, the revocations are stayed and Respondents placed on probation for three (3) years on the following terms and conditions.

1. **Obey All Laws.** Respondents shall obey all Federal, State and local including laws and rules relating to the practice of structural pest control.

2. **Quarterly Reports.** Respondents shall file quarterly reports with the Board during the period of probation.

3. **Tolling of Probation.** Should Respondent Recinos leave California to reside outside this state, Respondent Recinos must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.

4. **Notice to Employers.** Respondent Recinos shall notify all present and prospective employers of the decision in case no. 2014-26 and the terms, conditions and restriction imposed on Respondent by said decision.

Within 30 days of the effective date of this decision, and within 15 days of Respondent Recinos undertaking new employment, Respondent Recinos shall cause his employer to report to the Board in writing acknowledging the employer has read the decision in case No. 2014-26.

5. **Notice to Employees.** Respondents shall, upon or before the effective date of this decision, post or circulate a notice to all employees involved in structural pest control operations which accurately recite the terms and conditions of probation. Respondents shall be responsible for said notice being immediately available to said employees. "Employees" as used in this provision includes all full-time, part-time, temporary and relief employees and independent

1 contractors employed or hired at any time during probation.

2       **6. Completion of Probation.** Upon successful completion of probation, Respondents'  
3 registration and license will be fully restored.

4       **7. Violation of Probation.** Should Respondents violate probation in any respect, the  
5 Board, after giving Respondents notice and an opportunity to be heard, may revoke probation and  
6 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against  
7 either Respondent during probation, the Board shall have continuing jurisdiction until the matter  
8 is final, and the period of probation shall be extended until the matter is final.

9       **8. WDO Reports.** Respondent Recinos shall file with the Board any unreported Wood  
10 Destroying Organisms (WDO) activities, including, but not limited to, inspection reports, limited  
11 reports, corrected reports, and work completed reports, no later than thirty (30) days from the  
12 effective date of the decision.

13       **9. Random Inspections.** Respondents shall reimburse the Board for one (1) random  
14 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per  
15 inspection.

16       **10. Cost Recovery.** Pursuant to Section 125.3 of the California Business and Professions  
17 Code, Respondents shall pay to the Board investigation and enforcement costs in the amount of  
18 \$2,968, according to a payment schedule that has been approved by the Board. Investigation and  
19 enforcement costs must be paid in full no later than three (3) months prior to the end of probation.  
20 Probation shall not be terminated until all costs are paid in full.

21       **11. Courses.** Within 18 months of the effective date, Respondent Recinos shall complete  
22 4 hours of a Board approved Business Ethics course. These hours cannot be used towards renewal  
23 of Respondent's operator license. Respondent Recinos understands that the continuing education  
24 certificates submitted for courses completed with Young's Seminars on April 15th, 16th and April  
25 17, 2014 cannot be used towards renewal of his operator's license in 2015.

26       **12. Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**  
27 **Manager.** Respondent Recinos is prohibited from serving as an officer, director, associate,  
28 partner, qualifying manager or branch office manager of any registered company other than


Factor X Terminators, Inc. during the period that discipline is imposed on Company Registration No. PR 5228 and Operator License No. OPR 10926.

13. **No Interest In Any Registered Company.** Respondent Recinos shall not have any legal or beneficial interest in any company currently or hereinafter registered by the Board other than Factor X. Terminators, Inc.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Company Registration Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED: August 1, 2014

  
FACTOR X TERMINATORS, INC.; DAVID  
RECINOS, President and Qualifying Manager

DATED: August 1, 2014

  
DAVID RECINOS


ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board.

Dated: 8-1-2014

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
GREGORY J. SALUTE  
Supervising Deputy Attorney General

  
THOMAS L. RINALDI  
Deputy Attorney General  
Attorneys for Complainant

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